THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 7418 of 2005

26-10-2005

Between:

Movva Ranga Rao S/o Movva Venkateswara Rao
R/o D. No 13-5-2, Pinapadu Tenali, Guntur District

..... PETITIONER

AND

1 The Government of Andhra Pradesh Law Department, Secretariat, Hyderabad

rep by Deputy Secretary
2 The District Collector, Guntur

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

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O R D E R:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents, at the stage of admission.

In the affidavit filed in support of the writ petition it is stated that the petitioner is an Advocate and was appointed as Assistant Government Pleader in Subordinate Judges' Court and Munsif Court at Tenali on 05-04-1983 and continued as Government Pleader upto March, 1989. The appointment of the Assistant Government Pleader at the relevant point of time was governed under the provisions of The Andhra Pradesh Law Officers (Recruitment, Conditions of Service and Remuneration Rules) 1967 (for short 'the Rules'). Chapter 5 of the Rules deals with regard to the remuneration payable to the Law Officers. Rule 30 of the Rules deals with regard to payment of fee to Government Pleaders, Additional Government Pleaders and the Assistant Government Pleaders in the Courts, which are Subordinate to the High Court. The case of the petitioner is that the fee has been paid to him in accordance with Rule 30(7) r/w Rule 32 of the Rules. The 2nd respondent-District Collector, Guntur, instead of paying the fee to the petitioner, as prescribed under the Rules, has fixed a very low amount. Therefore, the petitioner made a representation to the Government and the Government in turn issued a Memo No.8918/L.4/90-1, dated 30-07-1990 directing the 2nd respondent-District Collector, Guntur, to settle the claims in terms of the memo issued by the Government on 04-11-1989. Subsequently, the Government issued a Memo No.16126/L4/93-1, dated 25-01-1994 to the 2nd respondent-District Collector stating that the petitioner, former Assistant Government Pleader, is entitled to the fee as fixed by the Court in each decree read with Rule 32 of the Rules. As the interpretation of the Collector at para 4 of his letter dated 04-01-1993 is not correct, the Government directed the 3rd respondent-Director of Social Welfare, Guntur to pay the fee to the petitioner as per the statement enclosed to it, after verifying the amounts shown as to whether the fee mentioned therein is in accordance with the instructions issued by the Government in Memo No.7613/L4/91-91 dated 12-12-1991, but there was no response from the authorities concerned. Therefore, the petitioner submitted a representation to the 1st respondent-Deputy Secretary, requesting to direct the 2nd respondent-District Collector, to release the payment due to him. Pursuant to the said representation, the Government again issued a Memo No.1423/LSP/L.2/2001-1 dated

20-04-2001, directing the 2nd respondent-District Collector, Guntur, to settle the claim expeditiously and pay the fee if any, due to the petitioner, under an intimation to the Government. The grievance of the petitioner is that though the said memo was issued long back, till date, the 2nd respondent-District Collector has not settled the fee to which he is legally entitled. Hence the present writ petition.

No counter affidavit has been filed by the Government.

Having regard to the facts and circumstances of the case and in the light of the memos issued by the Government from time to time, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent- District Collector, Guntur to settle the fee payable to the petitioner in terms of the Memo No.16126/L4/93-1, dated 25-01-1994, if not already settled, within a period of six weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. No costs.

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26-10-2005

Mjl/*